

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Criminal No. 2:13cr37

ANTHONY SCOTT MOATS,
Defendant.

ORDER/OPINION

This matter is before the Court pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on September 30, 2013, alleging:

- 1) Violation of Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime.
- 2) Violation of Standard Condition: The defendant shall not own, possess or have under his control any firearm, dangerous weapon or other destructive device.
- 3) Violation of Standard Condition: The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 4) Violation of Standard Condition: The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer.
- 5) Violation of Standard Condition: The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training, or other acceptable reasons.
- 6) Violation of Standard Condition: The defendant shall notify the probation officer within 72 hours of any change in residence or employment.
- 7) Violation of Standard Condition: The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic uranalysis tests as directed by the probation officer to determined the use of any controlled substances.
- 8) Violation of Special Condition: The defendant shall perform 200 hours of community service as directed by the probation officer.
- 9) Violation of Special Condition: The defendant shall participate in the drug/alcohol treatment program as directed by the United States Probation Officer and if able, contribute to the cost of services for such treatment.

Defendant was originally sentenced in the Northern District of Georgia on November 18, 2002, to 120 months imprisonment to be followed by three years supervised release, on a charge of Bank Theft. His supervision commenced on February 25, 2013. His supervision was subsequently transferred to the Northern District of West Virginia.

Following the allegations made in this Petition, Defendant's case was transferred to this District by the Northern District of Georgia.

Preliminary and Detention hearings were scheduled for October 3, 2013, at 1:00. On the morning of October 3, 2013, Defendant, through counsel, filed a "Waiver of a Preliminary Hearing." [D.E. 8]. Defendant and counsel each signed the waiver.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated his conditions of supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed September 30, 2013.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable John Preston Bailey, Chief United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision filed September 30, 2013.

It is further **ORDERED** that Defendant be continued in the custody of the United States Marshal pending further proceedings.

The hearings previously scheduled for October 3, 2013, at 1:00 p.m. are **CANCELED**.
It is so **ORDERED**.

The Clerk of the Court is directed to send a copy of this order to counsel of record.

DATED: October 3, 2013

John S. Kaull
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE